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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/801,623

Filing Date

March 15, 2004

First Named Inventor

Chong-Sheng YUAN

Art Unit

1651

Examiner Name

S. Fernandez

Attorney Docket Number

466992001400

ENCLOSURES (Check all that apply)

☒ Fee Transmittal Form (1 page plus duplicate)

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement (6 pages)

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/Incomplete Application

☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

PTO/SB/08a/b Form (2 pages plus duplicate)
References (34)
Return Receipt Postcard

Remarks

CUSTOMER NO. 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP

Signature

Michael G Smith

MICHAEL G SMITH, Reg No. 44,422

Printed name

Peng Chen

Date

January 17, 2006

Reg. No.

43,543

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 761643878 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 17, 2006

Signature:

Lenay Rogus

(Lenay Rogus)




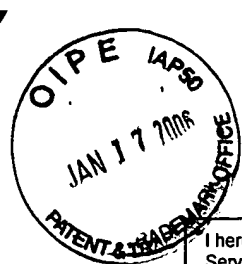
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/801,623
		Filing Date	March 15, 2004
		First Named Inventor	Chong-Sheng YUAN
		Examiner Name	S. Fernandez
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	1651	
TOTAL AMOUNT OF PAYMENT	(\$) 180.00	Attorney Docket No.	466992001400

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
21		- 21 =	x	=	Fee (\$)		Fee Paid (\$)
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
4		- 4 =	x	=			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof			Fee (\$)	Fee Paid (\$)	
	- 100 =	/50 (round up to a whole number) x			=		
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement						180.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	43,543
Name (Print/Type)	Peng Chen	Telephone	(858) 720-5117
		Date	January 17, 2006



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. 761643878 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 17, 2006

Signature:

Lenay Rogus
(Lenay Rogus)

Patent

Docket No. 466992001400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chong-Sheng YUAN et al.

Serial No.: 10/801,623

Filing Date: March 15, 2004

For: METHODS AND COMPOSITIONS FOR
ASSAYING HOMOCYSTEINE

Examiner: S. Fernandez

Group Art Unit: 1651

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

Document No. 2 is a Chinese Patent Application, CN 1560610 A, entitled "Method for L-homocysteine assay and reagents thereof," published on January 5, 2005. Document No. 3 is a certified English translation of Document No. 2.

01/20/2006 HDEHES1 00000056 031952 10801623

01 FC:1806 180.00 DA

sd-294545

Axis-Shield ASA commenced an unfair competition action and a patent infringement action against General Atomics on October 8, 2001, based on U.S. Patent Nos. 5,631,127 and 5,958,717. This action was later dismissed without prejudice on March 22, 2002. Document Nos. 4-8 are from *Axis-Shield ASA vs. General Atomics*, dismissed without prejudice on March 22, 2002, in the United States District Court for the Southern District of California, Case No. 01 CV 1836 J (RBB).

General Atomics and Diazyme Laboratories Division commenced a declaratory relief action against Axis-Shield ASA on U.S. Patent Nos. 5,631,127, 5,958,717, 5,827,645 and 6,063,581. The action is currently pending. Document Nos. 9-13 are from *General Atomics, Diazyme Laboratories Division vs. Axis-Shield ASA*, currently pending in the United States District Court for the Northern District of California, San Francisco Division, Case No. C 05 4074 EDL.

Diazyme Laboratories is opposing Axis-Shield's patent in Europe, EP Patent No. 0 726 322. Document Nos. 14-16 are from an Opposition proceeding against EP Patent No. 0 726 322. The Opposition is currently pending.

- Diazyme Laboratories' Opposition Notice (Document No. 14) is based on the following prior art references:
 - Tanaka et al., *Analytical Letters* (1981) 14:111-118 (Document No. 17 of the present Supplemental IDS)
 - Selim and Greenberg, *JBC* (1958) 234:1474-1480 (Document No. 18 of the present Supplemental IDS)
 - Kashiwamata et al., *Biochim. Biophys. Acta* (1970) 212:488-500 (Document No. 19 of the present Supplemental IDS)
 - Binkley, *JBC* (1951) 101:531-534 (Document No. 20 of the present Supplemental IDS)

- Shimizu et al., *Biotechnol. Appl. Biochem.* (1986) 8:153-159 (Document No. 21 of the present Supplemental IDS)
 - Porter et al., *JBC* (1991) 32:21616-21625 (Document No. 22 of the present Supplemental IDS)
 - Trewyn and Kerr, *Journal of Biochemical and Biophysical Methods* (1981) 4:299-307 (Document No. 23 of the present Supplemental IDS)
 - Loughlin et al., *JBC* (1964) 239:2888-2895 (Document No. 24 of the present Supplemental IDS)
 - Graham, *Trends Cardiovasc. Med.* (1991) 1:244-249 (Document No. 25 of the present Supplemental IDS)
 - Garras et al., *Analytical Biochem.* (1991) 199:112-118 (Document No. 26 of the present Supplemental IDS)
 - Frisell et al., *JBC* (1953) 207:709-716 (Document No. 27 of the present Supplemental IDS)
 - Sullivan and Hess, *JBC* (1936) 116:221-233 (Document No. 28 of the present Supplemental IDS)
 - EC4.2.1.22, www.chem.qmul.ac.uk/iubmb/enzyme/EC4/2/1/22.html (Document No. 29 of the present Supplemental IDS)
- Axis-Shield filed a Response to Diazyme Laboratories' Opposition Notice (Document No. 15)

- Diazyme Laboratories filed a Response to Axis-Shield's Response (Document No. 16). Diazyme Laboratories' Response is based on the following additional documents:
 - Yamaguchi and Hosokawa, Methods in Enzymology (1987) 143:395-403 (Document No. 30 of the present Supplemental IDS)
 - Kotb and Kredich, J. Biol. Chem. (1985) 260(7):3923-30 (Document No. 31 of the present Supplemental IDS)
 - Tanaka et al., J. Applied Biochem. (1980) 2:439-444 (Document No. 32 of the present Supplemental IDS)
 - US Patent No. 5,985,540 (Document No. 1 of the present Supplemental IDS)
 - Bruton and Cox, Eur. J. Biochem. (1979) 100:301-308 (Document No. 33 of the present Supplemental IDS)
 - Homogeneous Enzymic Homocysteine Reagent package insert from Carolina Liquid Chemistries (Document No. 34 of the present Supplemental IDS)

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of ___ is enclosed.
- ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 466992001400.

Dated: January 17, 2006

Respectfully submitted,

Michael G. Smith Reg No. 44,422
MICHAEL G. SMITH

For By _____
Peng Chen
Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 720-5117



ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/801,623
				Filing Date	March 15, 2004
				First Named Inventor	Chong-Sheng YUAN
				Art Unit	1651
				Examiner Name	S. Fernandez
Sheet	1	of	2	Attorney Docket Number	466992001400

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-5,985,540	11-16-1999	Tan et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	2.	CN-1560610	01-05-2005	Wang Xuezhong		X
	3.	English Translation of CN 1560610	01-05-2005	Wang Xuezhong		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	4.	Complaint For Patent Infringement And Unfair Competition And Demand For Jury Trial, filed October 9, 2001	
	5.	First Amended Complaint For Patent Infringement And Demand For Jury Trial, filed December 19, 2001	
	6.	Answer To Amended Complaint And Counterclaim; Jury Demand, filed January 8, 2002	
	7.	Plaintiff Axis-Shield ASA's Early Neutral Evaluation Conference Settlement Brief, filed March 11, 2002	
	8.	Stipulation For Joint Dismissal Without Prejudice Of Complaint And Counter-Claim; [Proposed] Order, filed March 22, 2002	
	9.	Complaint For Declaratory Relief, filed October 11, 2005	
	10.	Answer And Counterclaim And Of Axis-Shield ASA, filed October 27, 2005	
	11.	General Atomics' Reply To Counterclaim, filed November 16, 2005	
	12.	Reply And Counterclaim Of Carolina Liquid Chemistries Corporation, filed November 16, 2005	
	13.	Answer To Counterclaim Of Carolina Liquid Chemistries Corporation, filed November 17, 2005	
	14.	Notice of Opposition to EP Patent 0 726 322, filed January 16, 2004	
	15.	Patentee's Response to the Notices of Opposition, filed October 1, 2004	
	16.	Response to Patentee's letter dated October 1, 2004, filed July 11, 2005	
	17.	TANAKA et al., Analytical Letters (1981) 14:111-118	
	18.	SELIM and GREENBERG, JBC (1958) 234:1474-1480	
	19.	KASHIWAMATA et al., Biochim. Biophys. Acta (1970) 212:488-500	
	20.	BINKLEY, JBC (1951) 101:531-534	
	21.	SHIMIZU et al., Biotechnol. Appl. Biochem. (1986) 8:153-159	
	22.	PORTER et al., JBC (1991) 32:21616-21625	

Examiner Signature		Date Considered	
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sd- 294398

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/801,623
				Filing Date	March 15, 2004
				First Named Inventor	Chong-Sheng YUAN
				Art Unit	1651
				Examiner Name	S. Fernandez
Sheet	2	of	2	Attorney Docket Number	466992001400

23.	TREWYN and KERR, Journal of Biochemical and Biophysical Methods (1981) 4:299-307	
24.	LOUGHLIN et al., JBC (1964) 239:2888-2895	
25.	GRAHAM, Trends Cardiovasc. Med. (1991) 1:244-249	
26.	GARRAS et al., Analytical Biochem. (1991) 199:112-118	
27.	FRISELL et al., JBC (1953) 207:709-716	
28.	SULLIVAN and HESS, JBC (1936) 116:221-233	
29.	EC4.2.1.22, www.chem.qmul.ac.uk/iubmb/enzyme/EC4/2/1/22.html	
30.	YAMAGUCHI and HOSOKAWA, Methods in Enzymology (1987) 143:395-403	
31.	KOTB and KREDICH, J. Biol. Chem. (1985) 260(7):3923-30	
32.	TANAKA et al., J. Applied Biochem. (1980) 2:439-444	
33.	BRUTON and COX, Eur. J. Biochem. (1979) 100:301-308	
34.	Homogeneous Enzymic Homocysteine Reagent package insert from Carolina Liquid Chemistries	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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sd- 294398